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Attorneys for Defendants ARGYLL BIOTECHNOLOGIES, LLC,
DOUGLAS McCLAIN, JR. and JAMES T. MICELI

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DEBORAH DONOGHUE,	:	
	:	
Plaintiff,	:	Civil Action No. 08-0510 (JM) (WMC)
	:	
-against-	:	DEFENDANTS ARGYLL
	:	BIOTECHNOLOGIES, LLC,
IMMUNOSYN CORPORATION, ARGYLL	:	DOUGLAS McCLAIN, JR. AND
BIOTECHNOLOGY LLC, DOUGLAS	:	JAMES T. MICELI'S NOTICE OF
McCLAIN, JR. AND JAMES T. MICELI,	:	MOTION TO DISMISS, OR, IN THE
	:	ALTERNATIVE, TO TRANSFER
Defendants.	:	OR STAY THE ACTION
	:	
	:	Date: May 30, 2008
	:	Time: 1:30 p.m.
	:	Courtroom: Courtroom 16
	:	Judge: Honorable Jeffrey T. Miller
	:	

TO PLAINTIFF DEBORAH DONOGHUE AND HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 30, 2008, at 1:30 p.m., or as soon thereafter as the matter may be heard, in Courtroom 16 of the above-entitled Court, before the Honorable Jeffrey T. Miller, defendants Argyll Biotechnologies, LLC (incorrectly named as "Argyll Biotechnology LLC"), Douglas McClain, Jr. and James T. Miceli will, and hereby do, move for an order dismissing this action or, in the alternative transferring the action to the Southern District of New York or staying the action. This motion is made on the grounds that: the above-entitled action is duplicative of an earlier filed action in the Southern District of New York, warranting dismissal, or

1 alternatively, transfer or stay, pursuant to the rules of federal comity; and, alternatively, pursuant
2 to 28 U.S.C. § 1404, transfer of the action to the Southern District of New York would serve the
3 interests of justice and the convenience of the parties and witnesses.

4 The motion will be based on this notice of motion and motion, the memorandum of points
5 and authorities filed concurrently herewith, the declaration of Barry G. Felder filed concurrently
6 herewith and the exhibits thereto, the papers and records on file with this Court, and the arguments
7 presented at the hearing.

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9 Dated: April 25, 2008

THELEN REID BROWN RAYSMAN
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11 By: s/ Barry G. Felder

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